

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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KEVIN CLAPP,	)	
Plaintiff	)	
	)	Civil Action No. 18-10426-ADB
V.	)	
	)	
CHARLES BAKER, et. al.	)	
Defendants,	)	
	)	

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**DEFENDANT BRIAN BROOKS'  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

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Now comes the Defendant, Brian Brooks, and moves pursuant to Fed. R. Civ. P. 56 for Summary Judgment on Plaintiff's claims of Malicious Prosecution (1983) and 4<sup>th</sup> Amendment Illegal Seizure/False Arrest.

As set forth in the Defendant's Memorandum in Support of this Motion, the Plaintiff cannot offer admissible evidence to support any of his factual allegations against the Defendant as they relate to Plaintiff's claims of Malicious Prosecution (1983) and 4<sup>th</sup> Amendment Illegal Seizure/False Arrest. As such, the Defendant is entitled to Summary Judgment on those Counts against him.

In further support of this motion, Defendant Brooks relies upon the accompanying *Defendants Joint Concise Statement Of Undisputed Material Facts* filed pursuant to L.R. 56.1, D. Mass. (Dkt #. 174) and his memorandum of law.

WHEREFORE, Defendant Brooks requests that this Honorable Court enter Summary Judgment in his favor on Plaintiff's claims of Malicious Prosecution (1983) and 4<sup>th</sup> Amendment Illegal Seizure/False Arrest, and that this Court award him such relief as the Court deems just and proper.

DEFENDANT BROOKS REQUESTS A HEARING ON THIS MOTION.

Respectfully submitted,  
For Defendant Brian Brooks,  
By his attorneys,

Rafanelli Kittredge, P.C.

/s/ Joseph P. Kittredge  
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Dated: November 22, 2021

Certificate of Service

I hereby certify that this document was filed through the ECT system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: November 22, 2021

/s/ Joseph P. Kittredge  
Joseph P. Kittredge, Esq.